

REMARKS

In the office action mailed October 15, 2002, the Examiner withdrew all of the rejections set forth in the March 1, 2002 office action, and applied two new rejections. Claims 26-33, 38 & 39¹ were rejected under 35 U.S.C. §112, 1st paragraph "as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." As to the merits *vis a vis* the prior art, claims 17-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,217,128 to Stenger (hereinafter "Stenger") in view of U.S. Patent No. 4,257,527 (hereinafter "Snyder") and U.S. Patent No. 6,223,945 to Giblin et al. (hereinafter "Giblin").

Claims 17-42, as previously presented, are being submitted for the Examiner's reconsideration, in view of the arguments below.

Rejections Under 35 USC §112

In explaining this rejection, the Examiner stated that the August 1, 2002 amendment to the claims added new matter. The Examiner went on to point out specific claimed features that allegedly were new matter. Specifically, the Examiner pointed to the following items, each of which is followed by the Applicant's response showing support in the original application:

u/d (a) "two thicker wall regions . . . wall region" (claim 20, lines 2 & 3)'

RESPONSE: This feature is supported in the original specification at page 10, lines 1-3 ("The spacing of the thin strip between two neighboring ribs should be at least twice or several times the width of a rib") and also by original claim 12 ("the thinner wall region between two ribs is at least about twice or several times as wide as a rib").

Not in corner is NOT central (b) "central portions . . . each provided" (claim 26, lines 6 & 7)'

RESPONSE: This feature is seen in Figs. 8 and 9, which show a rectangular container having vertical ribs on central portions of each of the walls. It is also supported in the original specification at page 8, line 31 ("axial ribs 44 transition over a short horizontal distance into the bottom of the canister, whereas there are no ribs in the corners of the canister") and in original claim

¹ In paragraph 6 of the office action, the Examiner initially stated that "Claims 26-33, 38 and 39" were rejected, but went on to specifically refer to claim 20.

16 ("at least one or several ribs are formed into each straight wall section with the exception of the corners").

(K) (c) "an outer surface . . . on the inner surface" (claims 29, 32 and 33).'

RESPONSE: This feature is seen in Fig. 15 and is supported in the original specification at page 9, lines 11-13 ("On the inside wall only, the barrel body 62 is provided with multiple, parallel, strip-like ribs 68, while the outer surface of the wall is evenly smooth without any modification"). This feature is also supported by original claim 7: ("mutually spaced ribs are formed only on the inside of the wall while the outside of the wall retains its uniformly smooth surface").

In view of the foregoing, it is submitted that the rejections under 35 USC 112, 1st paragraph should be withdrawn.

Rejections of Claims 17-42 under 35 USC 103(a)

Claims 17-42 were collectively rejected as being unpatentable over Stenger in view of Snyder and Giblin. In formulating the rejection, the Examiner made the following assertions:


"Stenger fails to teach vertical ribs along the sidewall of the bottle. Snyder teaches vertical ribs that extend from the top to the bottom of plastic drums to reinforce them (abstract). . . . It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the vertical ribs of Snyder and Giblin in the bottles of Stenger in order to (reinforce?)² them . . . It is deemed desirable to make bottles having reinforcing ribs therein to maximize the strength of the bottles' sidewalls and minimize the likelihood that they will fail."

The Examiner's rejection and assertions are traversed because: (a) Stenger, which already has horizontal ribbing on its sides, teaches away from adding vertical ribs to its sidewalls; (b) Snyder uses a "rotationally molded" barrel and teaches away from a "blow molded" barrel, and so one skilled in the art would not look to Snyder to modify Stenger; and (c) even if the

² The original text, which appears in the last three lines on page 3 of the October 15, 2002 office action, reads: ". . .in order to them."

three references were combined, one still would not arrive at the claimed invention of any of the independent claims.

With regard to point (a), it is noted that Stenger's blow molded bottle is "of the type used to hold purified water and typically installed in an inverted position on a gravity-type dispenser." (Stenger, col. 2, lines line 54-46). It includes a bottom wall provided with "an enlarged, bulbous and ring-like peripheral portion 24 which strengthens the bottom" (Stenger, col. 2, lines line 64-65) and a cylindrical sidewall provided with "two ring-like bulbous portions 28 . . . located midway along the height of the sidewall to increase the hoop and column strength of the sidewall." (Stenger, col. 1, line 68 - col. 3, line 3). In other words, Stenger *already has features* — horizontal ribs — for strengthening the sidewall. Given Stenger's horizontal ribs, one skilled in the art simply would not find it helpful or convenient to add vertical ribs such as those disclosed in Snyder and Giblin. And so, to the extent that Stenger already employs horizontal ribs, is submitted that Stenger teaches away from being modified to also include vertical ribs.

 With regard to point (b), it is noted that Snyder clearly disavows blow molding and specifically requires 'rotational molding': "Blow molded drums are inherently uneven in thickness" (col. 2, lines 18-21); "the drum 2 is necessarily rotationally molded. (Col. 4, lines 20-22); "because of the rotational molding process all of the previously described components of the drum . . . have approximately the same thickness." (col. 4, lines 59-62). Accordingly, it is submitted that one skilled in the art, having Stenger's blow molded barrel in hand, would not turn to Snyder, even though both disclose the use of plastic.

Finally, with regard to point (c), a close inspection of the language in the pending claims, and the disclosures in the cited references, reveals that even if one were to combine the above references, one skilled in the art would not arrive at the invention in any of the pending independent claims, each of which is discussed below.

Independent Claim 17

64 Pending Claim 17, which is directed to a "barrel assembly" recites, *inter alia*, "a clamping ring". None of the three cited references (including Snyder) discloses a 'clamping ring'. Accordingly, claim 17, and all claims depend thereon, define over any combination of these references.

Independent Claim 26

nm Pending independent Claim 26 is directed to a "substantially rectangular canister" in which "central portions of the first and second pairs of sidewalls each have an inner surface provided with a plurality of spaced-apart vertically oriented ribs defining thicker wall regions spaced apart by thinner wall regions formed on the inner surface." Giblin's bottle, to the extent that it may be considered a "substantially rectangular canister"³ discloses a container having panels, such that "at each of the corners formed by intersection of the panels with each other, a vertically extending groove 210 is formed in the outer wall of the bottle." (Col. 12, lines 1-17, emphasis added). In other words, Giblin's bottle has the grooves 210 at the corners, and not on central portions of the sidewalls.. Therefore, claim 26, and all claims depending thereon, are believed to be patentable over the cited references.

Independent Claim 29

nm Pending independent claim 29 is also directed to a "substantially rectangular canister". Giblin's bottle, to the extent that it may be considered a "substantially rectangular canister", discloses grooves 210 on the outer surface. However, Giblin's grooves correspond to the indentations formed on the inner surface of Giblin's bottle, and so are more or less *complementary* thereto. Thus, unlike the invention of claim 29, Giblin does not disclose "the rounded corner areas further having an outer surface that is smooth at least in those regions opposite the vertically oriented ribs provided on the inner surface."⁴ Indeed, none of the three references has this feature. Accordingly, claim 29, and all claims depending thereon, are believed to define over the cited references.

Independent Claim 32

nm Independent claim 32 is directed to a closed "bung-type barrel" having a "barrel top provided with first and second lateral bung fittings. . . . the sidewall further comprising an outer surface that is smooth at least in those regions opposite the vertically oriented ribs provided on the inner surface." Snyder is the only reference with "lateral bung fittings". However, as best seen in its Figs. 1 & 4, Snyder's ribs 42 clearly form indentations in the sidewall, and Snyder's outer surface is not "smooth at least in those regions opposite the

³ Giblin considers the bottle to have "an octagonal cross section". (Giblin, col. 11, lines 66-67).

⁴ It is noted that Giblin's Fig. 1 shows a bottle with no ribs or grooves (See Giblin, col. 12, lines 14-16).

vertically oriented ribs provided on the inner surface”, as recited in claim 32. Indeed, none of the three references has this feature. Accordingly, claim 32, and all claims depending thereon, are believed to define over the cited references.

Independent Claim 33

Independent claim 33 is directed to a pallet container. As is known to those skilled in the art, a “pallet container” is a type of container designed to be stacked and carried on a pallet. Such containers typically have a rectangular footprint so as to make most use of space when packed side by side on a pallet. The pallet container of claim 33 recites, inter alia, “first and second pairs of substantially parallel sidewalls joined together at corner areas” and “a container top having an opening formed in a central portion thereof.” Of the three cited references, Giblin is the only reference that arguably shows a container having two pairs of parallel sidewalls. However, Giblin’s “liquid detergent shape” clearly is not suitable for stacking and so cannot be considered a “pallet container”. Furthermore, there is no motivation to modify Giblin’s bottle, given its purpose. Stenger’s bottle, too, cannot be stacked and so is not a pallet container, either. And while Snyder’s plastic drum may be stacked, Snyder discloses neither a “pallet container”, a container having “substantially parallel sidewalls” nor, for that matter, a “container top having an opening formed in a central portion thereof.” In view of the above, it is submitted that any combination of the cited references to arrive at the invention of pending claim 33 can only come from hindsight, and so claim 33, and any claims depending thereon, define over the three references.

New Claim 40

Independent claim 40 is directed to a container having first and second pairs of substantially parallel flat sidewalls joined together at corner areas and connected to the container bottom, wherein a height of the first pair of sidewalls is approximately equal to a height of the second pair of sidewalls. Fig. 18 of the present application shows such a container. None of the cited references teaches, suggests, or discloses a container having these features. Giblin, the only cited reference arguably having “parallel flat sidewalls” does not teach, suggest, or disclose that a “height of the first pair of sidewalls is approximately equal to a height of the second pair of sidewalls.” Therefore, independent claim 40, and dependent claims 41-42, are believed to be patentable over the cited references, as well.

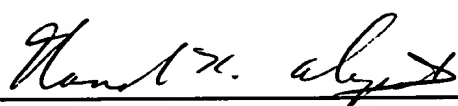
With regard to all claims not specifically mentioned, it is submitted that these are patentable not only by virtue of their dependency on their respective base claims, and any intervening claims, but also for the totality of features recited therein.

Reconsideration of the application is requested. Claims 17-42 are believed to be in allowable form and define over the prior art. An early notice of allowance is requested so that the application may proceed to issue.

No fee is believed to be due for this submission. Should a fee be required, the Commissioner is authorized to charge any such to Pennie & Edmonds LLP's Deposit Account No. 16-1150.

Respectfully submitted,

Date February 28, 2003


Nanda K. Alapati
for: Victor N. Balancia
PENNIE & EDMONDS LLP
1667 K Street, N.W.
Washington, DC 20006
(202) 496-4400

Reg. No. 39,893

Reg. No. 31,231